

David S. Douglas (DD-6250)  
Adam M. Felsenstein (AF-1755)  
GALLET DREYER & BERKEY, LLP  
845 Third Avenue, 8<sup>th</sup> Floor  
New York, New York 10022  
(212) 935-3131  
Attorneys for Defendants  
Gallet Dreyer & Berkey, LLP  
and Roger L. Stavis, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LUIS FELIPE MORENO- GODOY,

14-CV-070802(PAE)

Plaintiff,

-against-

GALLET DREYER & BERKEY, LLP, ROGER L.  
STAVIS, ESQ., and STEVEN R. KARTAGENER, ESQ.

**AFFIDAVIT OF DAVID  
DAVID S. DOUGLAS IN  
SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**

Defendants.

-----X

STATE OF NEW YORK      )  
                              ) ss.:  
COUNTY OF NEW YORK    )

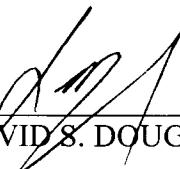
DAVID S. DOUGLAS, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court, and of the law firm of Gallet Dreyer & Berkey, LLP, attorneys for defendants Gallet Dreyer & Berkey, LLP (“GDB”) and Roger L. Stavis, Esq. (“Stavis”) in this action. I have personal knowledge of the facts set forth in this affidavit, which I respectfully submit in support of Stavis and GDB’s motion, pursuant to Fed. R. Civ. P. 12(b)(6), for an Order dismissing this action as to those defendants in its entirety, and for such other and further relief as this Court deems just and proper.

2. A true and correct copy of the complaint that plaintiff Luis Felipe Moreno-Godoy filed in this action is annexed to this Affidavit as Exhibit 1.

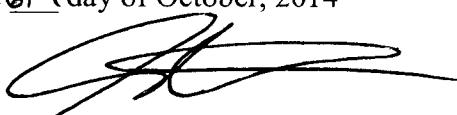
3. A true and correct copy of an Order, dated August 3, 2014, of the Honorable Jed S. Rakoff, denying plaintiff's petition for *habeas corpus* filed pursuant to 28 U.S.C. §2255, and adopting Magistrate Judge Gabriel Gorenstein's Report and Recommendation, dated March 20, 2014, is attached as Exhibit 2. Attached to the Order is a true and accurate copy of Magistrate Judge Gorenstein's Report and Recommendation.

4. I respectfully submit that, for the reasons set forth in the accompanying memorandum of law, the Court should dismiss this action as to GDB and Stavis in its entirety, and grant to those defendants such other and further relief as the Court deems just and proper.



DAVID S. DOUGLAS

Sworn to before me this  
16th day of October, 2014



Notary Public

00540608.DOCX

ADAM FELSENSTEIN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02FE6190548  
Qualified in New York County  
My Commission Expires July 28, 2016